

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

PUBLIC SERVANTS- Irrigation and CAD Department-Allegation of corruption and misappropriation of Government funds by Sri.D.Ramachandra Raju, Deputy Executive Engineer (Retd) formerly parvathipuram Sub-Division, Vizianagaram District – Punishment imposed to withhold pension and Gratuity permanently in full as per Rule 9 of A.P Revised Pension Rules, 1980 as he was found guilty of charges and convicted by the SPE and ACB Court Cases, Visakhapatnam vide their judgment dt:18-11-2005 in C.C.N.o 12/2000 - Not to release any pensionary benefits to the legal heirs of the deceased officer late D.Ramachandra Raju,DEE(Retd.)—orders issued.

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IRRIGATION & CAD (SER.VI.2) DEPARTMENT

G.O.Ms.NO: 112

Dated: 28 -10-2010

Read the following:

1. G.O.Ms.No.174, I&CAD (Ser VI (2) Dept., dt; 27-9-1999.
2. Form the Special Judge for ACB Cases Cum Additional District &Session Judge, Visakhapatnam, in C.C.No.12/2000, dated:18-11-2005.
3. Form the High Court of A.P., Hyderabad in its order in Crl.Amp No.2204 of 2000 in C.A.No.1823/2005, dated 6-12-2005.
- 4 G.O.Rt.No.885, I & CAD(Ser.I.2) Dept., dt. 19.6.2006
5. G.O.Ms.No.60, I & CAD(Ser.VI.2) Dept., dt. 11.8.2006
6. From the Hon'ble APAT orders dt. 30.4.2009 in O.A.No.5667/2006 with C.A.No.339/2008.
7. From Smt. Saraswathi Devi, W/o late D.Ramachandra Raju, DEE(REtd.) dt. 13.7.2009.

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ORDER:

Whereas, it was brought to the notice of the Government that a surprise check was conducted on the irrigation works of Salur Section on 23-5-1998 and it was noticed that there were lapses and irregularities while recording the measurements in M.Books by Sri.D.Ramachandra Raju, Deputy Executive Engineer, Irrigation, Parvathipuram Sub-Division, Vizianagaram District in collusion with the contractors and that were drawn for more than the executed work and thereby caused heavy loss to the Government exchequer.

2) And whereas, in the reference 1st read above, sanction was accorded for prosecution of Sri D. Ramachandra Raju, Deputy Executive Engineer (Retd.) formerly Parvathipuram Sub - division, Vizianagaram District in a court of competent jurisdiction under P.C.Act., 1988.

3) Sri D.Ramachandra Raju, DEE was retired from service on 31.10.2005. In the reference 4th read above, sanction orders were issued for payment of provisional pension to the retired DEE under rule 52 of A.P. Revised Pension Rules, 1980.

4) Where as Sri D.Ramachandra Raju, Deputy Executive Engineer (Retd.) formerly Parvathipuram Sub-Division, Vizianagaram District was convicted on a criminal charge by the court of Special Judge for ACB Cases Cum Additional District & Sessions Judge, Visakhapatnam vide its judgment dated:18-11-2005 in C.C.12/2000 and sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs.35,000/- in default to implement imprisonment for three months for the charges under sections 13(1) (c) and 13 1(d) read with 13(2)of P.C.Act., 1988 and also sentenced to undergo simple imprisonment for two months and to pay a fine of Rs.10,000/- in default to suffer Simple Imprisonment for 15 days for the charge U/s 120-B IPC vide reference 2nd read above. In the reference 3rd read above, the Hon'ble High Court of Andhra Pradesh, while admitting the appeal of Accused Officer, suspended the sentence of imprisonment, pending disposal of the appeal.

5) In the reference 5th read above, Government orders were issued imposing the punishment of withholding pension and Gratuity permanently in full under rule 9 of A.P.Revised Pension Rules, 1980, against Sri D.Ramachandra Raju, Deputy Executive Engineer (Retd) formerly Parvathipuram Sub-Division, Vizianagaram District as he was

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found guilty of charges and convicted by the SPE & ACB Court cases, Visakhapatnam vide their judgment dated: 18-11-2005 in C.C.No.12/2000. Aggrieved by the above orders of the Government Sri D.Ramachandra Raju, DEE (Retd.) has filed O.A.No. 5667 of 2006 in the APAT against the Govt. orders, and the Hon'ble APAT in their interim orders dt:11.9.2006 has suspended the G.O.Ms.No.60, dt:11.8.2006 and issued orders continue to pay the provisional pension as sanctioned in G.O.Rt.No. 885, dt:19.5.2006, against the orders of Hon'ble APAT ., VMA has been filed.

6) In the reference 6th read above, the Hon'ble APAT in its further orders in O.A.No.5667/2006 with C.A..No.339/2008 has pronounced judgment. The operation portion of the Judgment is as follows:

As the Rule 52 makes the point very clear that only after conclusion of the judicial or disciplinary proceeding the competent authority can pass final orders and in view of the appeal being pending before the Hon'ble High Court against the conviction by the trial court and interim orders are passed suspending the sentence, which is the consequential action to be taken pursuant to the conviction, the respondents cannot pass final orders. In similar circumstances, the Hon'ble High Court has passed interim orders in WAMP.No.1287/2008 in W.A.No. 612/2008 vide orders dated 05.02.2009 directing to pay provisional pension to the appellate authority there in, which shall be subject to the result of Criminal Appeal No.1823/2005.

In view of the above, the impugned orders are set aside by directing the respondents to pay provision pension to the applicant pending disposal of the Criminal Appeal No.1823/2005 before the Hon'ble High Court. Accordingly, the OA is allowed. The C.A stands closed. No order as to costs.

7) In the reference 7th read above, Smt. D.Saraswathi Devi, W/o late D.Ramachandra Raju, DEE(Retd.) has informed that her husband Sri D.Ramachandra Raju, DEE(Retd.) has expired on 08.12.2008 . She has requested to implement the orders of the Hon'ble APAT and release pension of her late husband.

8) Sri D. Ramachandra Raju, DEE who is convicted by the Special Judge for ACB cases-cum-III Addl. District and session judge, Visakapatnam, Addl. Special for SPE & ACB cases, Hyderabad in CC No.12/2000, dt:18.11.2005 expired on 8.12.2008 during the pendency of Criminal Appeal No.1823/2005 before the Hon'ble High Court. The Criminal Appeal therefore, abates, and the legal heirs are not entitled to any service benefits in view of his conviction by the ACB Trial Court.

9) Government after careful examination of the matter have decided not to release any pensionary benefits to the legal heirs of the accused officer late Sri D.Ramachandra Raju, DEE(Retd.) as they are ineligible for any service benefits in light of his conviction by the ACB Trial Court. Accordingly hereby order, not to release any pensionary benefits of late Sri.D.Ramachandra Raju, DEE (Retd) to the legal heirs of the accused officer as they are ineligible for any service benefits in light of his conviction by the ACB Trial Court.

10) The Engineer-in Chief (AW), Hyderabad shall take further necessary action in the matter and acknowledge the receipt of the order.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.TUCKER

PRINCIPAL SECRETARY TO GOVERNMENT

To

Smt D.Saraswathi Devi, W/o lateD.Ramachandra Raju, DEE (Retd)

through ENC(AW), Hyderabad.

The ENC(AW) I & CAD Dept , Hyderabad

Copy:

The DG., ACB, Hyderabad

The Accountant General, A.P .Hyderabad

The Secretary to A.P.VC., Hyderabad

SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER